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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

BEVERLY HILBURN,

Case No. 06-06096-HO

Plaintiff,

**MOTION OF DEFENDANTS CITIBANK
(SOUTH DAKOTA), N.A. AND SEARS
ROEBUCK AND CO. TO COMPEL
ARBITRATION AND STAY ACTION**

v.

(ORAL ARGUMENT REQUESTED)

UNITED COLLECTION BUREAU, INC.;
LVNV FUNDING, LLC; ENCORE
RECEIVABLE MANAGEMENT, INC;
ALEGIS GROUP, LP; CITIBANK USA
NA; SEARS, ROEBUCK AND CO.,

Defendant.

CERTIFICATION

Pursuant to Local Rule 7.1, the undersigned attorney hereby certifies that the parties have made a good faith effort by telephone to resolve the dispute presented by the instant Motion, and have been unable to do so.

MOTION

Pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1, *et seq.*, defendants Citibank (South Dakota), N.A., successor-in-interest to Citibank USA, National Association (“Citibank”), and Sears Roebuck and Co. (“Sears”), hereby move this Court for the entry of an Order compelling Plaintiff Beverly Hilburn (“Plaintiff”) to arbitrate her claims against Citibank

and Sears pursuant to the arbitration agreement (the “Arbitration Agreement”) contained in the credit card agreement (“Card Agreement”) governing Plaintiff’s credit card account that is the subject of Plaintiff’s Complaint in this action. In addition, Citibank and Sears seek to stay this entire action pending a ruling on this Motion and the completion of arbitration proceedings.

DATED this 2nd day of May, 2007.

FARLEIGH WITT

By: /s/ Kathryn P. Salyer
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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2007 I served the foregoing **MOTION OF DEFENDANTS CITIBANK (SOUTH DAKOTA), N.A. AND SEARS ROEBUCK AND CO. TO COMPEL ARBITRATION AND STAY ACTION** on the following individual via the U.S. District Court's CM/ECF Electronic Filing System. In addition, a true copy of this document was mailed via First Class Mail and deposited in the U.S. Post Office addressed to:

Clerk of the Court
U.S. District Court of Oregon
100 Federal Building, U.S. Courthouse
211 East Seventh Avenue
Eugene, OR 97401

I further certify that a copy thereof was served on the following parties *via electronic notification, e-mail, facsimile, or by depositing a true copy thereof, contained in a sealed envelope, with first-class postage prepaid*, addressed to said parties at the last known address shown below and in the U.S. mail at Portland, Oregon:

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